

Application Number: 09/396,531

Group Art Unit: 3711

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Examiner Name: William Pierce

Inventors: Randall Addington et al.

Attorney Docket No.: 99-1001

Title: Bowler's Aid

BEFORE THE BOARD OF PATENT APPEALS

2ND REPLY

A. BACKGROUND

This is applicants' 2nd Reply made in response to EXAMINER'S ANSWER TO REPLY BRIEF. In this ANSWER, examiner provides two articles asserted to disclose "known physical forces that would be incurred in in the rolling of a bowling ball." The two articles are provided in rebuttal to applicants' statement, made in the Reply, that examiner has not provided extrinsic evidence to support the rejection of claims 38 and 39 and 42 and 51 on the grounds of Inherency."¹

Claims 38, 39 and 42 and 51, are restated below.

Claim 38. The bowler's finger pad shield of claim 33, wherein said finger pad shield includes a raised surface for contacting the surface of a bowling ball; said raised surface is located proximate said open end and adapted to limit the depth of insertion of said finger pad shield into the finger hole of a bowling ball.

Claim 39 The bowler's finger pad shield means of Claim 38, wherein said raised surface extends in a direction away from said finger pad shield and said contact area.

¹ The only statements made in the Reply, with regard to "Inherency," are on Page 10, lines 16 - 23, for claims 38, 29, and on Page 9, lines 9 -17, for claims 42 and 51.

Claim 42. The bowler's aid of claim 40, wherein, said maximum natural force is in a range within the limit of muscular skeletal development.

Claim 51. The bowler's aid of claim 48, wherein, said maximum natural force is in a range within the limit of muscular skeletal development.

B. Applicants' Reply

The disclosure of known forces applied to a bowling ball are well known and do not anticipate any of the recited claim elements. Patent 4,371,163, Shaffer, discloses the forces produced on the bowler's fingers in producing roll and spin in the "lift," of the ball. (See Shaffer, Col. 3, lines 33 - 62 and Col. 4, lines 1 - 8, and Figs. 4 - 7.

Examiner has not shown how the disclosures of the forces on the bowler's fingers, or of the positions of the legs and fingers, in the "Fifth Step (Delivery of the Ball)," disclose or anticipate, "Inherently," or otherwise, the recitations of claims 38, 39, 42, 51.

Claims 38 and 39 are directed to the structure recited as a "raised surface." Examiner has not provided any facts or logical explanation to support his argument that the disclosure of the forces applied to a bowling ball or by a Biomechanical Analysis of Bowling's 5 Step Approach, would disclose any elements of the structure claims 38 and 39.

Claims 42 and 51, recite,

said maximum natural force is in a range within the limit of muscular skeletal development.

Examiner has not provided any facts or logical explanation, to support his argument that the disclosure of the forces applied to a bowling ball or by the Biomechanical Analysis of Bowling's 5 Step Approach, would disclose the recited "range," of the "maximum natural force," in "the limit of muscular skeletal development."

Examiner's 2nd Reply does not provide substantial evidence of facts or reasons, why the disclosures provided with the 2nd Reply, anticipates any elements of any of the claims in appeal.

Because examiner has not provided any substantial evidence why the 2nd Reply disclosures, anticipate the appealed claims, Applicants are denied any opportunity to rationally reply and are denied their due process right of rebuttal.

Respectfully,

/joelirosenblatt/

Joel I. Rosenblatt